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CLERK OF DISTRICT COURT  
U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
October 2006 Grand Jury

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
VIRGINIA STAR SEAFOOD )  
CORPORATION, )  
INTERNATIONAL SEA PRODUCTS )  
CORPORATION, )  
SILVER SEAS COMPANY, )  
BLUE OCEAN SEAFOOD )  
CORPORATION, )  
NHAN HUHN DAT (aka Henry) )  
NGUYEN, )  
PETER (aka KIET) XUONG LAM, )  
ARTHUR YAVELBURG, )  
CANTHO ANIMAL FISHERY )  
PRODUCTS PROCESSING )  
ENTERPRISE aka CAFATEX, )  
ANHACO, )  
AN GIANG AGRICULTURAL )  
TECHNOLOGY SERVICE COMPANY )  
aka ANTESCO, )  
BINH DINH IMPORT EXPORT )  
COMPANY, )  
DAVID S. WONG, )  
TRUE WORLD FOODS INC., )  
TAI WAI DAVID CHU, )  
DAKON INTERNATIONAL, )  
HENRY C.D. YIP, and )  
T.P. COMPANY, )  
 )  
Defendants. )

CR 07-00449

I N D I C T M E N T

[18 U.S.C. § 371: Conspiracy;  
16 U.S.C. §§ 3372(d),  
3373(d)(3)(A): False Labeling;  
18 U.S.C. § 542: False Entry  
Declaration; 18 U.S.C. § 545:  
Importation Contrary to Law;  
18 U.S.C. § 545: Trafficking  
in Illegally Imported  
Merchandise; 18 U.S.C. § 2(b):  
Causing an Act to be Done; 16  
U.S.C. § 1540(e)(4)(A), 18  
U.S.C. §§ 981(a)(1)(C),  
982(a)(2)(B) & (b)(1):  
Forfeiture of Illegally  
Imported and Falsely Labeled  
Fish]

371. <

5 <

1 The Grand Jury charges:

2 INTRODUCTORY ALLEGATIONS

3 At all times relevant to this Indictment:

4 A. THE DEFENDANTS

5 1. VIRGINIA STAR SEAFOOD CORPORATION ("VIRGINIA STAR"),  
6 BLUE OCEAN SEAFOOD CORPORATION ("BLUE OCEAN"), INTERNATIONAL SEA  
7 PRODUCTS CORPORATION ("ISP"), and SILVER SEAS COMPANY ("SILVER  
8 SEAS") were Virginia corporations engaged in the business of  
9 importing, into and through the Central District of California  
10 and elsewhere, and reselling, seafood, including frozen fillets  
11 of fish commonly called Vietnamese catfish.

12 2. VIRGINIA STAR's principal office address as of October  
13 28, 2004, was 11228 Wilburn Drive, Fairfax, Virginia. BLUE  
14 OCEAN's office addresses as of August 27, 2004, were both 11228  
15 Wilburn Drive, Fairfax, Virginia, and 9485 Silver King Court,  
16 Fairfax, Virginia. ISP's principal office address as of May 5,  
17 2004, was 8665 Center Road, Springfield, Virginia. SILVER SEAS'  
18 principal office address as of February 2, 2005, was 6330 Little  
19 Ox Road, Fairfax Station, Virginia.

20 3. VIRGINIA STAR, BLUE OCEAN, ISP, and SILVER SEAS all did  
21 business out of 9485 Silver King Court, Fairfax, Virginia.

22 4. NHAN HUH DAT (aka HENRY) NGUYEN ("NGUYEN") was the  
23 President and a Director of BLUE OCEAN, an employee of VIRGINIA  
24 STAR, and, as of approximately February 11, 2005, the Director of  
25 SILVER SEAS. NGUYEN was a citizen of Vietnam and a resident of  
26 Virginia.

27 5. PETER (aka KIET) XUONG LAM ("LAM") was, as of  
28 approximately October 2004, the President and a Director of

1 VIRGINIA STAR, a salesperson for BLUE OCEAN, and, as of  
2 approximately February 2005, a salesperson for SILVER SEAS. LAM  
3 was a resident of Virginia.

4 6. ARTHUR YAVELBERG ("YAVELBERG") was, as of approximately  
5 February 2005, acting as the President of and a salesperson for  
6 SILVER SEAS and was a resident of Virginia.

7 7. CANTHO ANIMAL FISHERY PRODUCTS PROCESSING EXPORT  
8 ENTERPRISE (aka CAFATEX) ("CAFATEX"), was a seafood company  
9 located in Vietnam. The Director of CAFATEX was NGUYEN's father.

10 8. CAFATEX, one of the leading companies exporting  
11 Vietnamese catfish into the United States, exported Vietnamese  
12 catfish directly to BLUE OCEAN, and indirectly to VIRGINIA STAR  
13 and ISP, through Vietnamese export companies including ANHACO, AN  
14 GIANG AGRICULTURAL TECHNOLOGY SERVICE COMPANY, a/k/a ANTESCO  
15 ("ANTESCO") and BINH DINH IMPORT EXPORT COMPANY ("BINH DINH").

16 9. DAVID S. WONG ("WONG") was a resident of Illinois and  
17 Vice-President of Purchasing at TRUE WORLD FOODS INC. ("TRUE  
18 WORLD"), a seafood business incorporated in New York. WONG was  
19 in charge of, among other things, purchases of frozen fish  
20 fillets from VIRGINIA STAR and BLUE OCEAN through LAM.

21 10. TAI WAI DAVID CHU ("CHU") was a resident of California  
22 and the owner and President of DAKON INTERNATIONAL, a wholesale  
23 business selling food, including seafood, that was incorporated  
24 in California. CHU was in charge of, among other things,  
25 purchases of frozen fish fillets from BLUE OCEAN through NGUYEN.

26 11. HENRY C.D. YIP ("YIP") was a resident of California and  
27 the president of T.P. COMPANY, a wholesale fish business  
28 incorporated in California. YIP was in charge of, among other

1 things, purchases of frozen fish fillets from BLUE OCEAN through  
2 NGUYEN.

3 B. VIETNAMESE CATFISH AND ANTI-DUMPING DUTIES

4 1. Anti-dumping duties are intended to help U.S. companies  
5 compete with foreign industry and to counter international price  
6 discrimination that results in injury to U.S. industries from  
7 dumping. Dumping occurs when a foreign firm sells merchandise in  
8 the U.S. market at a price lower than the price it charges for a  
9 comparable product sold in its home market.

10 2. An anti-dumping duty order is a formal determination  
11 issued by the U.S. Department of Commerce ("Commerce") that  
12 duties should be collected on imports of a particular product  
13 from a particular country.

14 3. On June 28, 2002, a petition was filed alleging that  
15 imports of certain frozen fish fillets from Vietnam were being  
16 sold in the U.S. at less than fair market value. On July 18,  
17 2002, Commerce initiated an investigation of the allegations  
18 contained in the petition.

19 4. On August 12, 2003, Commerce issued a final anti-  
20 dumping order, effective January 31, 2003. The anti-dumping duty  
21 order, case number A-552-801, imposed a duty of up to 63.88% on  
22 the imports of certain frozen fish fillets from Vietnam that  
23 entered the U.S. or were withdrawn from a warehouse for  
24 consumption on or after January 31, 2003.

25 5. The specific products covered by this anti-dumping duty  
26 order were certain frozen fish fillets of the genus *Pangasius*,  
27 including but not limited to the species *Pangasius hypophthalmus*.  
28 In the U.S., *Pangasius hypophthalmus* was commonly known as

1 Vietnamese catfish. This species also was known as "basa" in  
2 certain seafood markets in the United States.

3 6. As of July 1, 2004, the Tariff Code for *Pangasius*  
4 species became 0304206033. There were separate tariff codes for  
5 frozen fillets of "sole," "flounder," "pike," and other "fish  
6 fillet," none of which were subject to anti-dumping duties.

7 7. An importer of record is the individual or entity  
8 liable for duties, taxes, and fees on merchandise imported into  
9 the United States. The importer of record is responsible for  
10 using reasonable care to enter, classify, and determine the value  
11 of imported merchandise, and to provide any other information  
12 necessary to enable the Department of Homeland Security, Customs  
13 and Border Protection ("CBP") to assess duties properly, collect  
14 accurate statistics, and determine whether other applicable legal  
15 requirements, if any, have been met.

16 8. An importer may use a customs broker to facilitate  
17 entry of the imported product into the U.S. The customs broker  
18 relies upon information contained on the invoice, packing list,  
19 transportation entry, and manifest that accompanies the product  
20 and is typically provided to the broker by the importer of  
21 record, to create an entry summary and to determine what duties  
22 and tariffs are due and owing on a given import.

23 9. The customs broker pays, or arranges for the payment  
24 of, on behalf of the importer, any duties, taxes, fees, and  
25 tariffs due and owing on the imported product, and ordinarily CBP  
26 then releases the product to the importer.

27 C. STATUTORY BACKGROUND

28 1. The Lacey Act Amendments of 1981, Title 16, United



1 States Code, Section 3371 et seq. ("the Lacey Act"), make it  
2 unlawful for a person to make or submit any false record,  
3 account, or label for, or any false identification of, any fish,  
4 including frozen fish fillets, that has been, or is intended to  
5 be, imported, exported, transported, sold, purchased, or received  
6 from any foreign country, or transported in interstate or foreign  
7 commerce. Title 16, United States Code, Section 3372(d).

8 2. The term "person" for purposes of the Lacey Act  
9 includes any individual, partnership, association, corporation,  
10 or trust. Title 16, United States Code, Section 3371(e).

11 3. The term "import" for purposes of the Lacey Act means  
12 to land on, bring into, or introduce into any place subject to  
13 the jurisdiction of the United States, whether or not such  
14 landing, bringing, or introduction constitutes an importation  
15 within the meaning of the customs laws of the United States.  
16 Title 16, United States Code, Section 3371(b).

17 4. The Federal Food Drug and Cosmetic Act, Title 21,  
18 United States Code, Section 301 et seq. ("FDCA"), prohibits the  
19 introduction or delivery for introduction into interstate  
20 commerce of any food that is adulterated or misbranded. Title  
21 21, United States Code, Section 331(a).

22 5. The term "food" for purposes of the FDCA includes  
23 articles used for food or drink for man or other animals. Title  
24 21, United States Code, Section 321(f).

25 6. A food is misbranded if its labeling is false or  
26 misleading in any particular. Title 21, United States Code,  
27 Section 343(a)(1).

28 7. These Introductory Allegations are hereby re-alleged

1 and incorporated by reference into each and every count of this  
2 Indictment.

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COUNT ONE

(18 U.S.C. § 371)

A. OBJECTS OF THE CONSPIRACY

Between May 2004 and the date of the return of this Indictment, in Los Angeles County, in the Central District of California and elsewhere, defendants VIRGINIA STAR SEAFOOD CORPORATION, BLUE OCEAN SEAFOOD CORPORATION, SILVER SEAS COMPANY, INTERNATIONAL SEA PRODUCTS CORPORATION, NHAN HUHN DAT (aka HENRY) NGUYEN, PETER X. LAM, ARTHUR YAVELBERG, CANTHO ANIMAL FISHERY PRODUCTS PROCESSING EXPORT ENTERPRISE aka CAFATEX, ANHACO, AN GIANG AGRICULTURAL TECHNOLOGY SERVICE COMPANY aka ANTESCO, BINH DINH IMPORT EXPORT COMPANY, DAVID S. WONG, TRUE WORLD FOODS, INC., TAI WAI DAVID CHU, DAKON INTERNATIONAL, HENRY C.D. YIP, and T.P. COMPANY and others known and unknown to the Grand Jury, did knowingly conspire and agree to commit the following offenses against the United States:

1. to knowingly make and submit a false record, account, and label for, and a false identification of fish, specifically Vietnamese catfish, with a market value greater than \$350, which was transported in foreign commerce, imported, and sold, and imported with intent to sell, in violation of Title 16, United States Code, Sections 3372(d) and 3373(d)(3)(A);

2. to knowingly make a false statement in a declaration, or procure the making of such a false statement, as to a matter material thereto without reasonable cause to believe the truth of such statement, in violation of Title 18, United States Code, Section 542;

3. to knowingly import and bring into the United States



1 merchandise, that is Vietnamese catfish, contrary to law, and to  
2 knowingly receive, conceal, buy, sell, and facilitate the  
3 transportation, concealment, and sale of such merchandise after  
4 importation, knowing it to have been imported and brought into  
5 the United States contrary to law, in violation of Title 18,  
6 United States Code, Section 545;

7 4. to knowingly effect an entry of goods, that is  
8 Vietnamese catfish, by the payment of less than the amount of  
9 duty legally due, in violation of Title 18, United States Code,  
10 Section 541;

11 5. to introduce and deliver for introduction into and to  
12 receive in interstate commerce, food, specifically frozen  
13 Vietnamese catfish fillets, that is misbranded and adulterated,  
14 with the intent to defraud and mislead, in violation of Title 21,  
15 United States Code, Sections 331(a) & (c) and 333(a)(2).

16 B. MEANS BY WHICH THE OBJECTS OF THE CONSPIRACY WERE TO BE  
17 ACCOMPLISHED

18 1. Defendants VIRGINIA STAR, BLUE OCEAN, SILVER SEAS, ISP,  
19 NGUYEN, LAM, YAVELBERG, CAFATEX, ANHACO, ANTESCO, BINH DINH,  
20 WONG, TRUE WORLD, CHU, DAKON INTERNATIONAL, YIP, and T.P.  
21 COMPANY, and others known and unknown to this grand jury, engaged  
22 in a scheme to falsely identify, mislabel, and fraudulently  
23 declare certain imports of frozen fillets of *Pangasius*  
24 *hypophthalmus*, aka Vietnamese catfish, aka basa ("Vietnamese  
25 catfish"), in order to evade anti-dumping duties, and to then  
26 market the relatively low-priced frozen fillets in the United  
27 States, still falsely labeled.

28 2. NGUYEN arranged for acquaintances and business

1 associates to incorporate seafood import businesses, including  
2 but not limited to VIRGINIA STAR and ISP, which NGUYEN would  
3 control.

4 3. NGUYEN arranged for VIRGINIA STAR and ISP in the United  
5 States to purchase Vietnamese catfish from his father's company,  
6 CAFATEX, and/or its affiliates, in Vietnam.

7 4. CAFATEX, through its affiliates ANHACO, ANTESCO, and  
8 BINH DINH, fraudulently identified and caused to be identified  
9 frozen Vietnamese catfish fillets as "sole," "common carp,"  
10 "carp," "flounder," "grouper," "conger pike," "mudfish," or  
11 "channa," on the invoice, packing list, transportation entry,  
12 manifest, certificate of origin, and/or other documents that  
13 accompanied the product being shipped to ISP or VIRGINIA STAR.

14 5. ANHACO, ANTESCO, and BINH DINH would package the frozen  
15 Vietnamese catfish fillets in cartons labeled as "sole," "common  
16 carp," "carp," "flounder," "grouper," "conger pike," "mudfish,"  
17 or "channa" so as to fraudulently conceal the true contents of  
18 the cartons.

19 6. ANHACO, ANTESCO, and BINH DINH would export to, and  
20 VIRGINIA STAR and ISP would import into, the United States,  
21 through Long Beach, California and elsewhere, the frozen  
22 Vietnamese catfish fillets falsely identified and labeled to  
23 avoid the anti-dumping duties due on Vietnamese catfish.

24 7. VIRGINIA STAR and ISP would cause their customs broker,  
25 relying on the false information contained in the shipping  
26 documents, to generate and submit to CPB in the Central District  
27 of California and elsewhere, a false entry summary, and to  
28 determine incorrectly the tariff and duties that were due and

1 payable to the United States on the imported product.

2 8. Between approximately July 2004 and March 2005,  
3 VIRGINIA STAR imported through the Central District of California  
4 and elsewhere, from ANHACO, ANTESCO and BINH DINH, approximately  
5 6.6 million pounds of Vietnamese catfish that was labeled as  
6 "sole," "grouper," "flounder," "common carp," "carp," "conger  
7 pike," "mudfish," or "channa," all species that are not subject  
8 to anti-dumping duties.

9 9. Between approximately July 2004 and June 2005, ISP  
10 imported through the Central District of California and  
11 elsewhere, from ANHACO, ANTESCO, and BINH DINH, approximately 4.1  
12 million pounds of Vietnamese catfish labeled as "sole,"  
13 "grouper," "flounder," "common carp," "carp," "conger pike,"  
14 "mudfish," or "channa."

15 10. Once imported by VIRGINIA STAR and ISP, the product  
16 would move freely among VIRGINIA STAR, ISP, BLUE OCEAN and SILVER  
17 SEAS and be sold by any of these four companies.

18 11. NGUYEN, LAM, YAVELBURG, and others working for VIRGINIA  
19 STAR, BLUE OCEAN, ISP, and SILVER SEAS, sold, and WONG, CHU, and  
20 YIP, among others, purchased, the imported frozen Vietnamese  
21 catfish fillets in the United States misidentified as "sole,"  
22 "grouper," "flounder," "common carp," "carp," "conger pike,"  
23 "mudfish," and/or "channa," as well as "basa," for a lower price  
24 than if the duties had been paid.

25 12. LAM and/or other co-conspirators would tell a purchaser  
26 who had specifically ordered *Pangasius hypophthalmus* and/or  
27 Vietnamese catfish and/or basa, and who questioned then  
28 subsequently received boxes of fish labeled as other species, or

1 invoices identifying the fish as other species, that, among other  
2 things, the other names used were alternative names for what the  
3 purchaser had ordered, or that the factory had made an error with  
4 the boxes but the contents of the box were in fact Vietnamese  
5 catfish that the purchaser had ordered.

6 C. OVERT ACTS

7 In furtherance of the conspiracy and to accomplish the  
8 objects of the conspiracy, the defendants and others, both known  
9 and unknown to the Grand Jury, committed various overt acts  
10 within the Central District of California and elsewhere,  
11 including, but not limited to, the following:

12 1. On or about October 15, 2003, NGUYEN caused a third  
13 party to incorporate VIRGINIA STAR SEAFOOD CORPORATION in the  
14 state of Virginia for the purpose of importing falsely labeled  
15 Vietnamese Catfish.

16 2. On or about May 12, 2004, NGUYEN caused a third party  
17 to incorporate INTERNATIONAL SEA PRODUCTS CORPORATION in the  
18 state of Virginia for the purpose of importing falsely labeled  
19 Vietnamese catfish.

20 Imports

21 On or about the dates set forth below, the co-conspirators  
22 set forth below imported, as arranged by NGUYEN, approximately  
23 the stated amount of Vietnamese catfish in boxes falsely labeled  
24 and otherwise falsely identified, as indicated, and caused their  
25 customs broker to similarly falsely declare the merchandise in  
26 the required Entry Summary:

Overt Act	Date, Entry Number(s), Port of Entry	Shipper, Importer	Amount Declared, Value	Declared As
3	10/23/2004 906-01137921 Los Angeles, CA	ANTESCO VIRGINIA STAR	33,600 lbs \$51,831	common carp
4	10/28/2004 906-00565585 906-00565569 New York, NY	ANTESCO ISP	67,200 lbs \$106,688	sole
5	10/28/2004 906-01137798 Los Angeles, CA	ANTESCO ISP	33,600 lbs \$51,872	sole
6	11/4/2004 906-00568357 906-00568340 New York, NY	ANHACO ISP	67,200 lbs \$106,688	sole
7	11/4/2004 906-00568134 New York, NY	ANTESCO VIRGINIA STAR	33,600 lbs \$53,466	sole
8	11/7/2004 906-04778994 906-04779000 Charleston, SC	ANHACO ISP	67,200 lbs \$100,208	sole
9	11/7/2004 906-04778754 Charleston, SC	ANTESCO VIRGINIA STAR	33,600 lbs \$53,379	sole
10	11/11/2004 906-00568639 New York, NY	ANHACO ISP	33,600 lbs \$51,853	sole
11	11/17/2004 906-01144109 Los Angeles, CA	ANHACO ISP	35,200 lbs \$42,180	sole
12	12/7/2004 906-00573381 New York, NY	ANTESCO ISP	35,200 lbs \$45,157	sole
13	12/27/2004 906-00581327 New York, NY	ANHACO VIRGINIA STAR	35,200 lbs \$40,164	sole
14	12/30/2004 906-01159321 Los Angeles, CA	ANHACO VIRGINIA STAR	31,680 lbs \$40,514	common carp



15	12/30/2004 906-01919344 Chicago, IL	ANHACO VIRGINIA STAR	31,680 lbs \$40,483	sole
16	1/6/2005 906-01162127 Los Angeles, CA	ANHACO ISP	31,680 lbs \$40,483	sole
17	1/15/2005 906-02550338 San Francisco, CA	ANHACO VIRGINIA STAR	31,644 lbs \$40,570	conger pike
18	1/27/2005 906-01168744 Los Angeles, CA	ANHACO VIRGINIA STAR	31,680 lbs \$40,483	sole
19	1/27/2005 906-01168736 Los Angeles, CA	ANHACO ISP	31,680 lbs \$40,483	sole
20	2/3/2005 906-01921563 Chicago, IL	ANHACO VIRGINIA STAR	31,680 lbs \$42,031	sole
21	2/27/2005 906-02550916 San Francisco, CA	BINH DINH VIRGINIA STAR	39,600 lbs \$42,040	conger pike

#### Domestic Resales

On or about the dates set forth below, the co-conspirators set forth below sold approximately the stated amount of previously imported Vietnamese catfish in boxes falsely labeled as indicated:

Overt Act	Date	Salesperson/ Company	Amount, Value	Labeled As
22	7/16/2004	NGUYEN on behalf of BLUE OCEAN to CHU on behalf of DAKON INTERNATIONAL	5,220 lbs \$8,613	common carp
23	8/18/2004	NGUYEN on behalf of BLUE OCEAN to YIP on behalf of T.P. COMPANY	39,405 lbs \$65,018	flounder



24	9/14/2004	NGUYEN on behalf of BLUE OCEAN to CHU on behalf of DAKON INTERNATIONAL	43,890 lbs \$72,418	sole
25	9/21/2004	NGUYEN on behalf of BLUE OCEAN to CHU on behalf of DAKON INTERNATIONAL	43,912 lbs \$70,259	sole
26	11/24/2004	LAM on behalf of VIRGINIA STAR to WONG on behalf of TRUE WORLD	1,500 lbs \$2,475	sole
27	12/10/2004	LAM on behalf of BLUE OCEAN to WONG on behalf of TRUE WORLD	42,300 lbs \$65,565	sole
28	2/8/2005	NGUYEN on behalf of BLUE OCEAN to YIP on behalf of T.P. COMPANY	16,665 lbs \$23,331	conger pike
29	2/19/2005	LAM on behalf of VIRGINIA STAR to WONG on behalf of TRUE WORLD	23,265 lbs \$36,060	sole
30	2/22/2005	LAM on behalf of VIRGINIA STAR to WONG on behalf of TRUE WORLD	5,685 lbs \$8,527	sole
31	2/24/2005	NGUYEN on behalf of BLUE OCEAN	271,169 lbs \$371,501	conger pike, flounder, and common carp
32	2/28/2005	LAM on behalf of VIRGINIA STAR to WONG on behalf of TRUE WORLD	10,050 lbs \$15,577	sole
33	3/9/2005	NGUYEN on behalf of BLUE OCEAN to YIP on behalf of T.P. COMPANY	50,578 lbs \$70,809	sole and flounder
34	4/19/2005	LAM on behalf of VIRGINIA STAR	4,400 lbs \$7,260	common carp

35	5/1/2005	LAM on behalf of VIRGINIA STAR to WONG on behalf of TRUE WORLD	44,985 lbs \$69,726	sole
36	5/4/2005	YAVELBERG on behalf of SILVER SEAS	18,000 lbs \$27,900	sole
37	6/8/2005	LAM on behalf of VIRGINIA STAR	42,000 lbs \$66,360	common carp
38	6/10/2005	LAM on behalf of VIRGINIA STAR	43,500 lbs \$67,425	sole
39	6/14/2005	LAM on behalf of SILVER SEAS	44,000 lbs \$66,880	conger pike
40	6/15/2005	YAVELBERG on behalf of SILVER SEAS	1,100 lbs \$1,815	sole
41	6/16/2005	LAM on behalf of VIRGINIA STAR	53,284 lbs \$84,188	sole
42	6/17/2005	YAVELBERG on behalf of SILVER SEAS	41,250 lbs \$68,062	sole
43	6/20/2005	YAVELBERG on behalf of SILVER SEAS	4,400 lbs \$6,600	sole

#### Other Overt Acts

44. On or about November 17, 2004, LAM on behalf of VIRGINIA STAR filled an order for 800 cases of "Catfish Fillet (Basa)" with 800 cases of "Conger pike Fillet," and then represented to the purchaser that "Conger pike Fillet" was the scientific name for basa and that the product sold to the purchaser was basa.

45. On or about January 19, 2005, in relation to a purchase order for "sole fillet (basa enclosed)" sent to LAM at VIRGINIA STAR, VIRGINIA STAR issued an invoice for twenty cases of "sole fillet."

1           46.    On or about January 25, 2005, VIRGINIA STAR entered  
2 into a written sales contract with Purchaser A for 300 cases of  
3 fish described on the contract as "common carp fillets," although  
4 the product was in fact *Pangasius hypophthalmus*, as Purchaser A  
5 documented on the written contract with the notation "(Basa  
6 Fillet)" before sending the executed contract back to VIRGINIA  
7 STAR.

8           47.    On or about May 25, 2005, YAVELBERG on behalf of SILVER  
9 SEAS sold approximately 8,925 pounds of *Pangasius hypophthalmus*  
10 to Purchaser B, and then represented to Purchaser B, who had  
11 ordered "basa," that while the boxes were mis-marked as sole in  
12 Vietnam, they really contained "basa."

## COUNTS TWO THROUGH SIX

[16 U.S.C. §§ 3372(d), 3373(d)(3)(A); 2(b)]

On or about the dates listed below, in the Central District of California and elsewhere, the specified defendants did knowingly make and submit a false record, account, and label for, and a false identification of fish with a market value greater than \$350, in that the defendants made and submitted to a customs broker a commercial invoice and related shipping and sale documents, and made labels for the containers of said fish, that identified the fish as common carp, sole, and conger pike, when in truth and in fact, as the defendants then knew, said fish was Vietnamese catfish, said fish having been transported in foreign commerce and imported with intent to sell:

Count	Defendants	Date(s)	Shipment Entry Numbers	False Labels/ Invoices
2	ANTESCO VIRGINIA STAR	10/23/2004 - 11/7/2004	906-01137921 906-00568134 906-04778754	common carp sole
3	ANTESCO ISP	10/28/2004 - 12/7/2004	906-00565585 906-00565569 906-01137798 906-00573381	sole
4	ANHACO ISP	11/4/2004 - 12/7/2004	906-00568357 906-00568340 906-04778994 906-04779000 906-00568639 906-01144109 906-01162127 906-01168736	sole
5	ANHACO VIRGINIA STAR	12/27/2004 - 2/3/2005	906-00581327 906-01159321 906-01919344 906-02550338 906-01168744 906-01921563	sole common carp conger pike

6	BINH DINH VIRGINIA STAR	2/27/2005	906-02550916	conger pike
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## COUNTS SEVEN THROUGH ELEVEN

[18 U.S.C. §§ 542; 2(b)]

On or about the dates listed below, in the Central District of California and elsewhere, the specified defendants did knowingly make a false statement in a declaration, or procure the making of such a false statement, as to a matter material thereto without reasonable cause to believe the truth of such statement. Specifically, on said dates below, defendants submitted, and caused the submission of, an Entry Summary and associated invoices, bills of lading, and other shipping documents, to the Department of Homeland Security, Customs and Border Protection, that falsely described merchandise being imported into the United States as sole, common carp, or conger pike, as specified below, whereas in truth and fact, as defendants well knew, the imported merchandise consisted of Vietnamese catfish:

Count	Defendants	Date	Entry Summary	Fraudulent Identification
7	ANTESCO, VIRGINIA STAR, NGUYEN	10/23/2004 - 11/7/2004	906-01137921 906-00568134 906-04778754	common carp sole
8	ANTESCO, ISP, NGUYEN	10/28/2004 - 12/7/2004	906-00565585 906-00565569 906-01137798 906-00573381	sole
9	ANHACO, ISP, NGUYEN	11/4/2004 - 12/7/2004	906-00568357 906-00568340 906-04778994 906-04779000 906-00568639 906-01144109 906-01162127 906-01168736	sole



10	ANHACO, VIRGINIA STAR, NGUYEN	12/27/2004 - 2/3/2005	906-00581327 906-01159321 906-01919344 906-02550338 906-01168744 906-01921563	sole common carp conger pike
11	BINH DINH, VIRGINIA STAR, NGUYEN	2/27/2005	906-02550916	conger pike

## COUNTS TWELVE THROUGH TWENTY

[18 U.S.C. §§ 545; 2(b)]

On or about the dates listed below, in the Central District of California and elsewhere, the specified defendants did knowingly import and bring into the United States, merchandise, that is Vietnamese catfish, contrary to law, that is contrary to Title 18, United States Code, Section 541 (entry of merchandise by the payment of less than the duty legally due), and Title 21 United States Code, Section 331(a) (misbranding of food):

Count	Defendants	Date	Entry Number(s) Port of Entry	Approximate Amount of Merchandise, Claimed Value
12	ANTESCO, VIRGINIA STAR	10/23/2004	906-01137921 Los Angeles, CA	33,600 lbs \$51,831
13	ANTESCO, ISP	10/28/2004	906-01137798 Los Angeles, CA	33,600 lbs \$51,872
14	ANHACO, ISP	11/17/2004	906-01144109 Los Angeles, CA	35,200 \$42,180
15	ANHACO, VIRGINIA STAR	12/30/2004	906-01159321 Los Angeles, CA	31,680 lbs \$40,514
16	ANHACO, VIRGINIA STAR	12/30/2004	906-01919344 Chicago, IL via San Pedro, CA	31,680 lbs \$40,483
17	ANHACO, ISP	1/06/2005	906-01162127 Los Angeles, CA	31,680 lbs \$40,483
18	ANHACO, VIRGINIA STAR	1/27/2005	906-01168744 Los Angeles, CA	31,680 lbs \$40,483
19	ANHACO, ISP	1/27/2005	906-01168736 Los Angeles, CA	31,680 lbs \$40,483
20	ANHACO, VIRGINIA STAR	2/3/2005	906-01921563 Chicago, IL via San Pedro, CA	31,680 lbs \$42,031

## COUNTS TWENTY-ONE THROUGH TWENTY-FIVE

[18 U.S.C. §§ 545; 2(b)]

On the dates listed below, the specified defendants did knowingly receive, conceal, buy, sell, and facilitate the transportation, concealment, and sale of merchandise after importation, specifically Vietnamese catfish in the quantities and values set forth below, knowing it to have been imported and brought into the United States through the Central District of California and elsewhere, contrary to law, namely, contrary to Title 18, United States Code, Section 541 (entry of merchandise by the payment of less than the duty legally due), and Title 21 United States Code, Section 331(a) (misbranding of food):

Count	Defendants	Date(s)	Amount, Value
21	NGUYEN, BLUE OCEAN, YIP, T.P. COMPANY	8/18/2004 - 3/9/2005	106,648 lbs \$159,158
22	LAM, VIRGINIA STAR, WONG, TRUE WORLD	11/24/2004 - 5/1/2005	85,485 lbs \$132,365
23	LAM, BLUE OCEAN, WONG, TRUE WORLD	12/10/2004	42,300 lbs \$65,565
24	LAM, VIRGINIA STAR	4/19/2005 - 6/16/2005	143,184 lbs \$225,233
25	YAVELBERG, SILVER SEAS	5/4/2005 - 6/20/2005	64,750 lbs \$104,377

COUNT TWENTY-SIX

[18 U.S.C. §§ 545; 2(b)]

Between on or about July 5 and July 13, 2005, defendants NGUYEN, VIRGINIA STAR, and ISP, did knowingly conceal, sell, and facilitate the transportation, concealment, and sale of merchandise after importation, specifically approximately twenty-three containers, or over 690,000 pounds, of Vietnamese catfish, knowing it to have been imported and brought into the United States, through the Central District of California and elsewhere, contrary to law, namely, contrary to Title 18, United States Code, Section 541, and Title 21 United States Code, Section 331(a).

## COUNT TWENTY-SEVEN

## (NOTICE OF FORFEITURE)

[(16 U.S.C. § 1540(e)(4)(A), (5); 18 U.S.C. §§ 981(a)(1)(C),  
982(a)(2)(B), (b)(1))]

1. Counts One through Twenty-Six of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures to the United States pursuant to the provisions of Title 18, United States Code, Sections 545, 981(a), 982(a); Title 28, United States Code, Section 2461(c); and Title 16, United States Code, Section 3374(a).

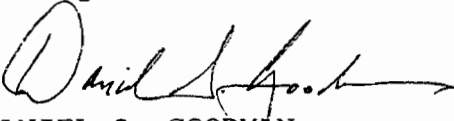
2. Upon conviction of the violations alleged in Counts One through Twenty-Six of this Indictment, and pursuant to Title 18, United States Code, Sections 981(a)(1)(C), 982(a)(1), (a)(2)(B) and (b)(1); Title 28, United States Code, Section 2461(c); and Title 16, United States Code, Section 3374(a), the defendants, VIRGINIA STAR SEAFOOD CORPORATION, INTERNATIONAL SEA PRODUCTS CORPORATION, SILVER SEAS COMPANY, BLUE OCEAN SEAFOOD CORPORATION, NAHN HUHN DAT (aka HENRY) NGUYEN, PETER X. LAM, ARTHUR YAVELBERG, CANTHO ANIMAL FISHERY PRODUCTS PROCESSING EXPORT ENTERPRISE aka CAFATEX, ANHACO, ANGIANG AGRICULTURAL TECHNOLOGY SERVICE COMPANY aka ANTESCO, BINH DINH IMPORT EXPORT COMPANY, DAVID S. WONG, TRUE WORLD FOODS, INC., TAI WAI DAVID CHU, DAKON INTERNATIONAL, HENRY C.D. YIP, and T.P. COMPANY shall forfeit to the United States any and all of the fish identified in Counts One through Twenty-Six, namely, at least 10.7 million pounds of Vietnamese catfish, as a result of the defendants conspiring to violate Title 18, United States Code, Sections 541, 542, and 545 and Title 16, United States Code, Sections 3372(d), 3374(d)(3)(A) and Title 21, United

1 any and all interest that the defendants have in other property  
2 shall be forfeited to the United States up to the value of the  
3 fish of at least \$16,000,000.00.

4  
5 A TRUE BILL

6   
7 Foreperson

8  
9 GEORGE S. CARDONA  
10 Acting United States Attorney

11   
12 DANIEL S. GOODMAN  
13 Assistant United States Attorney  
14 Acting Chief, Criminal Division

15 MARY DEE CARRAWAY  
16 Trial Attorney  
17 ELINOR COLBOURN  
18 Senior Trial Attorney  
19 United States Department of Justice  
20 Environment and Natural Resources Division  
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25 SARAH J. HEIDEL  
26 Assistant United States Attorney  
27 Environmental Crimes Section  
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